

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: :
SPIEGEL, INC., et al., : **Chapter 11**
Reorganized Debtors. :
: **Case No. 07-CV-03947-RJH**
: :
: **(Related Bankruptcy Case 03-11540)**
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NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration in Support of Spiegel Creditor Trust's Motion to Dismiss Pending Johnson Appeal, sworn to on June 29, 2007, and the exhibits thereto and the Spiegel Creditor Trust's Memorandum of Law in Support of Motion to Dismiss Pending Johnson Appeal, the Spiegel Creditor Trust will move this Court on a date to be determined for an order pursuant to Rules of Bankruptcy Procedure 8001: (1) dismissing District Court Case No. 07-CV-03947-RJH because the underlying appeal from the Bankruptcy Court is not jurisdictionally appealable; and, additionally and/or alternatively (2) requesting the Court

exercise its discretion and dismiss District Court Case No. 07-CV-03947-RJH for appellant's failure to comply with applicable appeal deadlines.

Dated: New York, New York
June 29, 2007

/s/ Douglas E. Deutsch

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